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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 DAVID W. RIGGINS a/k/a DAWUD
9 HALISI MALIK,

10 Plaintiff,

11 v.

12 DAN PACHOLKE, et al.,

13 Defendants.

Case No. C10-5147BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

14 This matter comes before the Court on the Report and Recommendation (“R&R”) of
15 the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 71) and Plaintiff’s
16 objections to the R&R (Dkt. 72).


17 On May 23, 2011, Judge Strombom issued the R&R finding that Plaintiff had failed
18 to show that he suffered the deprivation of a constitutional right and recommending that
19 Defendants’ motion for summary judgment be granted. Dkt. 71. On June 3, 2011, Plaintiff
20 filed objections. Dkt. 72. On June 14, 2011, Defendants responded. Dkt. 73. On June 21,
21 2011, Plaintiff filed another response. Dkt. 74.

22 Although Plaintiff objects to the R&R, he fails to show that he suffered the
23 deprivation of a constitutional right. The Court recognizes that Plaintiff was successful in
24 overturning and eventually seeking dismissal of the alleged prison infraction against him.
25 Plaintiff, however, fails to show that the increased level of confinement that he was
26 subjected to during that process violated any protected constitutional right. The objections,
27 therefore, are without merit.

1 The Court having considered the R&R, Plaintiff's objections, and the remaining
2 record, does hereby find and order as follows:

- 3 (1) The R&R is **ADOPTED**;
- 4 (2) Defendants' motion for summary judgment is **GRANTED**; and
- 5 (3) This action is **DISMISSED with prejudice**.

6 DATED this 5th day of July, 2011.

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9 BENJAMIN H. SETTLE
United States District Judge

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